

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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OSCAR RICO-ARREOLA,

Case No. 3:13-cv-00580-MMD-WGC

Petitioner,

ORDER

v.

WARDEN SMITH, et al.,

Respondents.

The Court found that grounds 4(A), 5, and part of 10 of the second amended petition (dkt. no. 20) are unexhausted. Petitioner has filed a motion for partial dismissal (dkt. no. 36), asking to dismiss those grounds. Good cause appearing, it is therefore ordered that petitioner's motion for partial dismissal (dkt. no. 36) is granted. Grounds 4(A), 5, and 10, to the extent that it incorporates grounds 4(A) and 5, of the second amended petition (dkt. no. 20) are dismissed from this action.

It is further ordered that respondents shall have forty-five (45) days from the date of entry of this order to file and serve an answer, which shall comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts. Petitioner shall have forty-five (45) days from the date on which the answer is served to file a reply.

DATED THIS 8th day of December 2015.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE